

REMARKS

Applicant acknowledges receipt of the Office Action dated December 18, 2002.

Claim Rejection- 35 U.S.C. § 103

Claims 36-64 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 6,404,884 ("Marwell") in view of U.S. Patent Number 6,311,210 ("Foladare"). Claims 41-43, 45 and 46 have been canceled. Claims 36 and 44 have been amended. The applicant asserts that amended claims 36 and their dependents are not obvious over Marwell in view of Foladare. The applicant also respectfully disagrees with the examiner and believes that claims 47-64 are not obvious over Marwell in view of Foladare for the reasons stated below.

The present invention is a system for using a telephone and a code to either obtain information from a merchant or advertiser as in claims 36 and its dependents or to order information directly from a merchant or advertiser as in claims 47-64. The system provides two sets of databases. One database is maintained by an entity and includes user information such as address information and delivery preferences. This database also can include payment information and shipping addresses. The second database is maintained by an entity and contains advertising or product information and the related code used by the user to retrieve that information from the database.

The Marwell patent discloses a personal assistance system and method. Marwell relies on a human customer service representative as an integral part of their system (human). They reject speech recognition as "cumbersome," and "difficult to use." (see col. 2, lines 1-20). Marwell does not disclose the step of sending information back to the user in an electronic format using

an address that is in the first database. Nor does Marwell teach using both databases to create an electronic message to send to a merchant for purchasing goods and services. Furthermore, Foladare does not teach the steps missing from the Marwell patent. Specifically, in Foladare, the recipient's address is already known and entered in by the user. The centralized electronic mail apparatus just adds an attachment or further information to the already existing e-mail message. See Abstract. In the instant invention, the user enters a code and an electronic message is created using addressing information stored in a database. Furthermore, there is no motivation to combine the two references for the following reasons. Foladare deals exclusively with an e-mail system and is completely unrelated to a telephone system. It is classified exclusively in class 709 which is multi-computer data transferring. Whereas, Marwell is classified exclusively in class 379 which is the telephone art. There is nothing in either patent to suggest or teach combining the two diverse arts to come up with the instant invention. In addition, Marwell teaches away from the combination because it relies exclusively on a human operator and rejects the idea of using an integrated computer system. Therefore, the applicant believes that the present claims 36-40, 44 and 47-64 are not obvious over Marwell in view of Foladare.

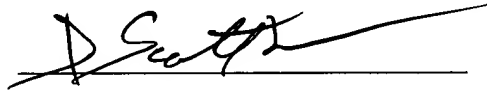
Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our deposit account number **50-0578** and please credit any excess fees to such Deposit Account.

Respectfully submitted,

Kramer & Associates, P.C.

A handwritten signature in black ink, appearing to read "D. Scott Juneau", is written over a horizontal line.

D. Scott Juneau
Registration Number 39,243

(703) 413-5000
Date: March 14, 2003
DSJ:nsa

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 41-43, 45 and 46 have been canceled.

Claims 36 and 44 have been amended.

36. A method of addressing an electronic message, comprising the steps of:

EMAIL

providing a first database containing stored telephone numbers and user
~~addresses~~ information corresponding to each of the stored telephone numbers;

providing a second database containing identification codes and product addressing
information corresponding to each of the identification codes;

receiving a telephone call from a user including one of the identification codes;

identifying the received telephone number from the telephone call;

retrieving the user ~~address~~ information from the first database by comparing the received
telephone number with the stored telephone numbers;

retrieving the product addressing information corresponding to the received identification
code;

addressing the electronic message according to the retrieved ~~addressing~~ information; and

sending at least a portion of the retrieved product ~~user~~ information via the electronic
message.

44. The method as recited in claim 36~~43~~, wherein the ~~second~~ electronic message includes an
advertisement or an order confirmation.